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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,313	05/05/1999	TAKAHIRO MATSUURA	862.2821	1944

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EXAMINER

LAROSE, COLIN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/305,313

Applicant(s)

MATSUURA, TAKAHIRO

Examiner

Colin M. LaRose

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 5 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 6-11, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,351,558 by Kuwata.

Regarding claims 1 and 9, Kuwata discloses a computer program (element 21d, figure 2), comprising a computer readable medium having computer program code, as an image processing apparatus (figure 2), with an image processing means (element 21d3, figure 2) that functions as a

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detection means for detecting an image area excluding a frame image contained in an input image (column 16, line 64 through column 17, line 3), a generation means for generating correction information of the detected image area (figure 18), and a correction means for correcting the image area on the basis of the generated correction information (figures 22-23).

Regarding claims 2 and 10, Kuwata discloses the detection means determining that a pixel of interest constructs the frame image when pixels adjacent to the pixel of interest satisfy a predetermined condition. In figure 17, if the sum of pixels of luminance values "0" and "255" is sufficiently large compared to the adjacent pixels comprising intermediate values, it is determined that the pixels of interest construct the frame image (column 17, lines 30-44).

Regarding claims 3 and 11, Kuwata discloses identifying the image area other than the frame image on the basis of a detection result of the pixel constructing the frame image and supplying information representing the identified image area to the generation and correction means (figures 12-13). In figure 12, S132 identifies an image area excluding the frame and supplies information of the identified image to the generation means to determine the luminance distribution in S136. Then, in figure 13, the information is supplied to the correction means in S148, which performs gamma correction.

Regarding claim 6 and 14, Kuwata allows for re-execution of identification processing of an image area other than the frame after correction has ended for situations in which further correction is desired. The detection means in Kuwata's disclosure is part of an application stored in a computer that is able to re-identify and reprocess image areas an arbitrary number of times. See figure 2.

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Regarding claim 7 and 15, Kuwata discloses generating, as correction information, highlight and shadow portions (column 9, lines 42-52) and white and black balances (figure 18) to be corrected or adjusted.

Regarding claim 8 and 16, Kuwata discloses correcting gradation of an image area on the basis of highlight and shadow points (column 26, lines 43-67) and black and white balances (figures 22-23).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata, as applied to claims 3 and 11, in view of U.S. Patent 5,491,759 by Naoi et al. ("Naoi").

Regarding claims 4, 5, 12 and 13, Kuwata is silent to scanning the image in the horizontal and vertical directions in units of columns and rows in order to detect a frame image.

Naoi discloses scanning an image in the horizontal and vertical directions in units of columns and rows in order to identify a frame image on the basis of a detection result of the pixel constructing the frame image (figure 56). As an image is scanned in both the vertical and horizontal directions from all sides, a determination is made as to whether each pixel constructs the frame image (figure 9).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kuwata by Naoi since Naoi's method of detecting edges is the functional equivalent of Kuwata's method. Both methods effectively perform the task of detecting a frame image.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Colin M. LaRose  
Examiner  
Group Art Unit 2623

  
AMELIA M. AU  
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